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November 17, 2015

VIA ECF and E-MAIL

Hon. William F. Kuntz, II
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Ali Saleh
Docket No. 15 Cr. 517 (WFK)

Dear Judge Kuntz:

Mr. Saleh respectfully requests the Court to reconsider the protective order it authorized on November 16, 2015.

Counsel had endeavored to negotiate a protective order that was agreeable to both sides. In the government's first draft, it suggested that "any and all" Rule 16 Discovery be subject to a protective order. After some discussion, the government proposed that it limit the order to "sensitive material" however, the order fails to define that term. Counsel was in regular contact with the government last week and over the weekend, in an effort to find a workable middle ground, until the instant order, which still fails to define the operative term was submitted to your Honor – without Notice to the defendant or an opportunity to be heard – and unilaterally signed.

The order, as now executed, allows the government to unilaterally determine what constitutes "sensitive discovery material," without any procedure for Mr. Saleh to object to or for the Court to review the government's designation. Mr. Saleh proposed a compromise that would alleviate the government's concerns; to wit, the government may, unilaterally, redact information that the government deems "sensitive" and produce the redacted discovery without a protective order.

Accordingly, Mr. Saleh respectfully requests that the Court reconsider and vacate its order dated November 16.

The Court's attention to this matter is greatly appreciated.

Respectfully submitted,

/s/

Susan G. Kellman

cc: Melody Wells, AUSA
Saritha Komatireddy, AUSA